IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 9601 of 2007(R)

PETITIONERS:
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1. **KOTAK MAHINDRA PRIME LIMITED,**
   4TH FLOOR, THADIKKARAN CENTRE, PALARIVATTOM,
   KOCHI-25.

2. **SRI.MOHAMMED KUTTY, THOTTUKKADAN HOUSE,**
   CHALAKKUDY.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT OFFICER,**
   ERNAKULAM.

2. **THE REGISTERING AUTHORITY, KOZHIKODE.**

3. **ISMAIL BAVA, M/S.BAVA CONSTRUCTIONS,**
   NO.3/465, VARNAM, S.A.ROAD, VYTTILA,
   KOCHI.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE SALE CERTIFICATE IN FORM NO.21 DTD. 29/11/2004 ISSUED BY INDUS MOTOR CO.(P) LTD., KOZHIKODE.**
EXT.P2:	**COPY OF THE TEMPORARY CERTIFICATE OF REGISTRATION DTD. 29/11/2004 ISSUED BY THE 2ND RESPONDENT.**
EXT.P3:	**COPY OF THE VEHICLES SALE BOND DTD. 9/05/2006 GIVEN BY THE 2ND PETITIONER TO THE 1ST PETITIONER.**
EXT.P4:	**COPY OF THE APPLICATION FOR ISSUE OF CERTIFICATE OF REGISTRATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.**
EXT.P5:	**COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE 1ST RESPONDENT DTD. 24/02/2007.**
EXT.P6;	**COPY OF THE COVERING LETTER DTD. 22/02/2007 SUBMITTED BY THE FIRST PETITIONER BEFORE THE FIRST RESPONDENT.**
EXT.P7:	**COPY OF THE CHALAN RECEIPT FOR RS.100/- DTD. 24/02/2007 ISSUED FROM THE MOTOR VEHICLES DEPARTMENT.**
EXT.P8:	**COPY OF THE JUDGMENT DTD. 20/06/2006 IN WP(C) NO. 14531/2006.**

/TRUE COPY/

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.9601 OF 2007-R

Judgment

The first petitioner financed the third respondent to purchase a Maruti Zen car. Though the said respondent purchased it, he did not get the vehicle registered and he did not pay any amount to the first petitioner. So, the 1st petitioner seized the vehicle. Since all the documents are in the name of the third respondent, the registering authority is not granting registration, though the first petitioner submitted a formal application for the same, a copy of which is produced as Ext.P4. The first petitioner has already sold the vehicle under an agreement to the second petitioner. So, they have approached this Court, praying for a direction to the 2nd respondent to register the vehicle, which is already having a temporary registration.

2. I heard the learned Government Pleader also. He pointed out that the vehicle cannot be granted fresh registration, as it was not at all registered on a regular basis. The above contention of the learned Government Pleader is valid in usual circumstances. Having regard to the special facts of the case, I feel that appropriate directions should be issued to the 2nd respondent to register the vehicle. Otherwise, a new vehicle will have to be scrapped. So, if the claim of the 1st petitioner is found to be genuine, the 2nd respondent shall register the vehicle

in accordance with law provided the first petitioner remits the necessary fees and complies with the statutory requirements.

The Writ Petition is disposed of as above.

30.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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